

REMARKS

Applicants respectfully request reconsideration of the instant application in the view of the foregoing amendments and the following remarks. Claims 1-13, 15-19, 23, 34, 45 and 47 are *pending*. Claims 14, 20-22, 24-33 and 46 have previously *been cancelled* without prejudice or disclaimer. Claims 1 and 47 are *independent*. Claims 1 and 47 have been amended by way of this response; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicants submit that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation application(s). Applicants submit that these claim amendments are supported throughout the originally filed specification, claims and/or figures, and that no new matter has been added by way of these amendments.

Claim Objections

The pending Office Action has objected claims 1 and 47 for "contain[ing] the use of the word "therebetween" " which the Examiner fails to locate in either "Webster's II New Riverside Dictionary" or "OneLook Dictionary Search" (p. 2, ¶ 2, Office Action). Applicants have amended independent claims 1 and 47 to address the Examiner's concerns. Applicants believe that the Examiner's objections have been overcome in light of the foregoing amendments.

Claim Rejections – 35 USC § 112

35 USC § 112, 1st Paragraph

Claims 1 and 47 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.

In the pending rejection, the Examiner alleges that:

The disclosure of the present application does not identify how these method steps are performed as to enable that one skilled in the art to produce and use the disclosed apparatus. Specifically, page 11, ¶3 indicates that a critical path (pattern) is identified based on any desired criteria. The remainder of page 11 to page 15 indicated the various criteria which can be used for identification of the critical path (pattern), but fail to provide the details of how one skilled in the art would perform the pattern identification.

(p. 3, Office Action; emphasis original)

Applicants respectfully disagree and submit that the claimed "determining at least one pattern between said first and said second corporate entity information types based on the comparison" may be found throughout the originally filed specification, drawings and claims. By way of non-limiting example only, page 11, paragraph 2 discusses:

... a user is able to view sufficient entities and relationships to view dominant critical path dependencies, that is, each of the largest or dominant companies in their respective sectors, as well as the links between the companies. By linking market share leaders at each level of a view the balance of dominance across a group of related companies could be viewed. If for example, AMAT is the dominant Router and Switch Component Machine Manufacturer to AMCC, which is the dominant provider of Router and Switch Components to CSCO, which is the dominant Router and Switch Manufacturer to ATT, the dominant Telecom Service Provider, a dominant critical path among Largest 1000—Telecom could thus be identified.

(p. 11, ¶ 2)

Applicants submit that additional description may be found elsewhere and throughout the originally filed specification, drawings and claims. As such, Applicants submit that the claimed "determining at least one pattern..." is supported and described by the originally filed specification in accordance with 35 U.S.C. § 112, as one of ordinary skill in the art would understand.

The pending rejection further alleges "...the construction of the financial product from the pattern is not clearly described. Pages 17 and 18 of the present application describe constructing financial products, however, there is no connection made between the identified pattern (critical path) and the construction of a financial product" (p. 3, Office Action; emphasis original). Applicants respectfully disagree and submit that the claimed "constructing a financial product based on said selected and displayed information types and said determined at least one pattern" is fully supported by the originally filed specification, drawings and claims. By way of non-limiting example only, throughout pages 17-18 of the instant application, there is discussion supporting the claimed "financial product" constructed "based on said selected and displayed information types and said determined at least one pattern." More specifically, for example, page 18, paragraph 2 discusses "[t]he user would construct a pair trade through being long on A and short on B. The amount of the shorting would be weighted according to one or more desired criteria, such as A's percentage revenue exposure to B, i.e. factoring the dependency of A on its supplier B... ." Applicants submit that additional description may be found elsewhere and throughout the originally filed specification, drawings and claims.

The pending rejection further alleges

[i]t is unclear that these are method steps performed by software and are not human mental steps. If these claim limits are considered a core/central part of what the application invented, then it must be clear that the method steps are performed by a specific machine (i.e. software, stored on a medium, read by a processor, executing the method steps). The invention, therefore, is inoperable as disclosed.

(p. 4, ¶ 1, Office Action)

Applicants respectfully disagree and submit that the claimed "processor-implemented method" is fully supported by the originally filed specification, drawings and claims. By way of non-limiting example only, see Figure 1, corresponding description on page 5, as well as page 16, paragraph 3, which discusses "user access is through a Web browser or similar display, however, other displays or

interfaces known in the art may be used as well, including dedicated displays or interfaces, multimedia interfaces, etc...access devices known in the art may be used, including but not limited to personal computers, terminals, limited access devices such as personal digital assistants, etc., with connections through wired or wireless means as known in the art" (p. 16, ¶ 3). By way of another non-limiting example only, Applicants submit that additional description may be found in at least Figures 1-13 and the corresponding discussion on the specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

35 USC § 112, 2nd Paragraph

Claim 45 is rejected under 35 U.S.C. § 112, second paragraph as the Examiner alleges "the phrase 'may' renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention" (p. 4, § 5, Office Action). Although Applicants respectfully disagree and submit claim 45 is clear and definite in light of the disclosure, Applicants have amended claim 45 to provide further clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Applicants believe the issue raised by the Examiner has been rendered moot in light of the foregoing amendments.

Claims 1-13, 15-19, 23, 34, 45 and 47 are rejected under 35 U.S.C. § 112, second paragraph as being allegedly incomplete for omitting essential structural cooperative relationships of elements, such omission allegedly amounting to a gap between the necessary structural connections. Applicants respectfully traverse this rejection. Applicants submit that one of ordinary skill in the art at the time of the invention in light of the specification, and the descriptions of the claimed elements from the originally filed specification, drawings and claims, by way of non-limiting example only, Figures 1-13, would understand the claims as clear and definite per 35 U.S.C. § 112.

Applicants further submit that MPEP § 2171 prescribes "...[35 U.S.C. 112, second paragraph analysis] is not dependent on the views of applicant or any particular individual, but is evaluated in the context of whether the claim is definite - i.e., whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art", and MPEP § 2173.02 further prescribes:

definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (a) The content of the particular application disclosure;
- (b) The teachings of the prior art; and
- (c) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

As such, Applicants respectfully submit that in light of the content of the disclosure, one of ordinary level of skill in the pertinent art at the time the invention was made would clearly understand the claims. Should the Examiner disagree and maintain the rejection, Applicant respectfully requests the Examiner provide additional clarification as to how the claim elements would be allegedly vague and indefinite to one with ordinary level of skill in light of the application's disclosure as required by the MPEP.

Claim Rejections – 35 USC § 101

Claims 1-13, 15-19, 23, 34, and 45 have been rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. Applicants submit that there is no test for non-statutory subject matter that subjectively precludes the aforementioned claims. MPEP § 2106, Section IV, states "claims directed to nothing more than abstract ideas (such as mathematical algorithms), natural phenomena, and laws of nature are not eligible for patent protection." MPEP § 2106 also discusses "[w]hile abstract ideas, natural

phenomena, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, natural phenomena, and laws of nature to perform a real-world function may well be.”

Applicants submit that the elements recited in the claims are, in fact, directed to statutory subject matter and do not fall within the recognized Judicial Exceptions as merely abstract ideas (such as mathematical algorithms), natural phenomena, and/or laws of nature. Although Applicants respectfully traverse the Examiner’s rejection and reserve the right to argue patentability of the claims in their original form at a later time, Applicants have amended independent claims 1 and 47 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Independent claim 1 recites a “A processor-implemented method, comprising: selecting via a processor... .” Similarly, independent claim 47 recites "A processor-implemented method, comprising: ... receiving via a processor" As such, Applicants submit that independent claims 1 and 47 are directed to statutory subject matter.

Applicants further submit that claims 2-13, 15-19, 45 and 47, which depend directly or indirectly from independent claim 1, are also directed to statutory subject matter for at least the reasons discussed above.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this ground of rejection.

Claim Interpretation - Intended Use or Intended Results

In the pending rejection, the Examiner alleges claim 1 and 47 contains "intended-use" language. More specifically the Examiner alleges:

...claims 1 and 47 contain inter alia the phrases "providing an alteration mechanism to dynamically change an information type" and displaying ... in separate display panels in the graphical user interface to facilitate a comparison..." Both

claims state the intended use of the alteration mechanism and the graphical user interface. Such claim limits do not structurally distinguish themselves from any prior art which shows a computer connected to a network (or Internet), which is capable of running software.

(p. 9, ¶ 1, Office Action)

Applicants respectfully traverse and submit the previously presented claim elements are patentable subject matter reciting operative descriptive material per MPEP § 2106. Although Applicants disagree with the Examiner, Applicants have amended claims 1 and 47 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Applicants request substantive examination of their claims as presented as a whole.

Claim Rejections – 35 USC § 103

Claims 1-13, 15-19, 23, 34, 45 and 47 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,721,713 B1 to Guheen et al. (hereafter "Guheen"), in view of U.S. Publication No. 2002/0158918 to Feibush et al. (hereafter "Feibush"), and further in view of U.S. Patent No. 6,078,904 to Rebane (hereafter "Rebane"). Applicants respectfully traverse the Examiner's rejection and submit that a *prima facie* case of obviousness has not been established and that the pending claims are patentably distinct from the cited references, taken alone or in combination, for at least the following reasons.

As the Examiner does not respond to the issues raised by the Applicants in the Amendment and Response filed on March 13, 2009, regarding to the priority of cited reference Feibush, Applicants reiterate that Feibush was filed March 27, 2002, after Applicants filing date of August 30, 2001, and that Feibush claims priority to Provisional Application No. 60/333,112 which was filed on March 28, 2001, less than six months earlier than Applicants filing date of August 30,

2001 and it is not conceded that Feibush was filed in the US before the invention by the Applicants. Without so conceding, Applicants respectfully traverse the Examiner's rejection.

Applicants further note that in the pending rejection, the Examiner cited Figures 4-7 of Feibush, and alleges that

Feibush et al. discloses ... **displaying, simultaneously, said newly chosen information type associated with said first corporate entity information type and said second corporate entity information type, each in separate display panels in the graphical user interface to facilitate a comparison regarding said first corporate entity and said second corporate entity information types** ([Figures 4-7] [¶ 30-33]...) (pp. 10-11, Office Action; emphasis original)

Applicants submit that Figures 4-7 of Feibush are not contained in Provisional Application No. 60/333,112 filed on March 28, 2001, the document to which Feibush claims priority, as discussed above. As such, Applicants submit that a *prima facie* case of obviousness has not been established by the Examiner over the currently cited references.

However, in order to expedite prosecution, Applicants further submit that the various cited references, even including Feibush, *in arguendo*, taken alone or in combination, do not discuss or render obvious each and every element of the pending claims for at least the following reasons.

MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (i) the relevant teachings of the prior art relied upon,
- (ii) the differences in the claim over the applied references,
- (iii) the proposed modification of the applied references to arrive at the claimed subject matter, and
- (iv) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicants submit that the rejections in the pending Office Action do not establish at

least the first two requirements, the relevant teachings of the prior art relied upon, as well as the differences in the claim over the applied references.

Independent claim 1 recites, *inter alia*,

A processor-implemented method, comprising:

...

determining at least one pattern between said first and said second corporate entity information types based on the comparison; and

constructing a financial product based on said selected and displayed information types and said determined at least one pattern.

In the pending rejection, the Examiner acknowledges that Guheen and Feibush do not teach at least the cited claim elements of independent claim 1 (p. 11, ¶ 3, Office Action). The Examiner then relies on Rebane to remedy the deficiencies in Guheen and Feibush, alleging that:

Rebane teaches *inter alia* that an account management module provides a user interface to one or more online investment systems, such as a brokerage house to access and update an investor's account. The account management module retrieves and displays securities data, corporate financials, market performance data and other research information. The account management module also provides for individual trades in the investor's accounts, and transfers the list of current buy/sell order o the investor's investment account for execution. The communications interface gateway provides an interface to external databases containing securities data, such as corporate financial data, industry performance, securities price and performance data, investment advisor opinions and consensus ratings, and the like, including, in some versions, more comprehensive portfolio management services without the portfolio analysis and optimization functions as provided by the present invention, as commonly available, investment firms, and other sources. [column 11]. The investor specifies predicted future performance data for each investment asset. The future performance data may be the alpha, beta, sigma, R2, and cross correlations related to the Efficient Market Hypothesis approach or derived from any other predictive theory, including estimates that may by available in the securities database, information

from investment advisors, or inputs which just reflect the investor's own assessments of the future performance of the investments. Regardless of the Market Hypothesis used, the short list maker module computes and updates a covariance matrix for the list [column 12, lines 39-59] (applicant's **determining at least one pattern between said first and said second corporate entity information types based on the comparison.** Also see [Figure 10] [columns 17-18, Section 5.4.4 Correlation Matrix]). Rebane further teach **constructing a financial product based on said selected and displayed information types and said determined at least one pattern** ([Title] [Abstract] [column 12, lines 28-46]).
(pp. 11-12, Office Action; emphasis original)

Applicants respectfully disagree and submit that the pending rejection has mischaracterized the claim elements and over-generalized the cited references. Applicants submit that none of the Examiner's cited portions of Rebane discusses or renders obvious at least the claimed "determining at least one pattern between said first and said second corporate entity information types based on the comparison" as recited in independent claim 1.

Instead, the Examiner's cited portions of Rebane, column 12 lines 39-59, simply discuss generating/retrieving short lists of investor assets used by a user to evaluate risk. For example, Rebane discusses, "[f]or each short list, the investor specifies predicted future performance data for each investment asset" (col 12, lns 49-50, Rebane). Rebane also discusses "the short list maker module 311 computes and updates a covariance matrix for the list" (col 12, lns 58-59, Rebane). The Examiner's cited portions of Rebane, Figure 10 and column 17-18, discuss a screen display "representing a modified correlation matrix of risk adjusted returns for a portfolio of candidate securities" (Figure 10, col 17, lns 12-14, Rebane), and discuss that "this screen display 1000 enables the investor/analyst to quickly get the 'feel' for how RDAA module 301 determines portfolio membership", and the "feedback" is considered by an investor to add "new investments to a portfolio" (col 17, lns 34-40, Rebane). However, having provided a "short list" of "investment asset[s]" for risk evaluation, Rebane

does not discuss any type of comparison in generating the "short list" or "covariance matrix." As such, Applicants submit Rebane's short list display is different from the claimed "determining ... at least one pattern between said first and said second corporate entity information types based on the comparison" as recited in independent claim 1.

The MPEP prescribes that, "when evaluating the scope of a claim, *every limitation in the claim must be considered*," [§ 2106 II(C), emphasis added] and, "*All words* in a claim must be considered in judging the patentability of that claim against the prior art." [§ 2143.03, emphasis added]. Applicants submit that, by over-generalizing the cited references, the pending rejection fails to consider "all words in [the] claim," as required, for example, by MPEP § 2143.03. For at least these reasons, Applicants submit that Guheen, which discusses systems and methods for "identifying alliances among a plurality of business entities in components of a network framework" (Abstract, Guheen), Feibush, which discusses "A method and apparatus for visualizing correlations among and between objects and events stores objects, events, and correlations to form a query space" (Abstract, Feibush), do not remedy the deficiencies in Rebane as discussed above. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of the Examiner's rejection with regard to independent claim 1.

Furthermore, Applicants submit claims 2-13, 15-19, 23, 34, and 45 which are directly or indirectly dependent from independent claim 1, are also not discussed or rendered obvious by the cited references, taken alone or in combination, for at least the reasons discussed above. Although of different scope than the preceding claims, Applicants submit that independent claim 47 is patentable over the various cited references for at least similar reasons discussed above identifying deficiencies in Rebane with regard to independent claim 1.

Accordingly, Applicants request reconsideration and withdrawal of these grounds of rejections.

Conclusion

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, the Applicants respectfully submit that the supporting remarks and claimed inventions, claims 1-13, 15-19, 23, 34, 45 and 47, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicants believe that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicants assert that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and distinguish over any such remaining claim elements and/or bases for rejection at a later time should it become necessary. Further, any remarks that were made in response to an Office Action objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Office Action objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicants do not concede that any claim elements have been anticipated and/or rendered

obvious by any of the cited reference(s). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17209.333. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17209-333.

In the event that a telephone conference would facilitate examination of the application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,
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